

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b> <b>3-JTS-3D-01, 02</b> <b>3-JDF-3D-01, 02</b> <b>3-JCRF-3D-01, 02</b> <b>1-JDTP-3D-26</b> <b>1-SJD-3D-01, 02</b> <b>1-JBC-3D-01, 02</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Youth Access to Courts, Attorneys and Law Enforcement Officials</b>		
<b>POLICY NUMBER: DJJ 121</b>		
<b>TOTAL PAGES: 3</b>		
<b>DATE ISSUED: 03/01/01</b>		<b>EFFECTIVE DATE: 03/15/01</b>
<b>APPROVAL: Ralph E. Kelly, Ed.D.</b>		<b>, COMMISSIONER</b>

## **I. POLICY**

Youth have the right of access to the courts. All youth in a DJJ operated program shall have access to legal representation. Interviews between youth and their attorneys and law enforcement officials shall be permitted.

## **II. APPLICABILITY**

This policy shall apply to all state operated and contracted programs and to all youth in the care and custody of the Department of Juvenile Justice.

## **III. DEFINITIONS**

1. "Blanket Interview" is defined as an interview with all youth at a facility.
2. "Legal Representative" means an assigned or retained attorney, or a paralegal who assists an assigned attorney.

## **IV. PROCEDURES**

- A. Youth shall have uncensored, confidential contact by telephone, in writing, or in person with their legal representative(s). The youth shall have the right to contact and visit with counsel at any reasonable time. Program staff shall assist youth in making confidential contact with attorneys and authorized representatives. Such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.
- B. Accessing the Department's Contract Legal Service Provider
  1. Upon admission to a 24-hour residential Youth Development or Treatment

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Center, youth shall be informed both verbally and in writing of the method by which they may access a Department of Public Advocacy attorney. This information shall also be contained in the youth's orientation handbook. Youth shall sign an acknowledgement form indicating receipt of this information.

2. A sign-up system shall be implemented in each Youth Development or Treatment Center for youth who desire to speak with an attorney from the Department of Public Advocacy.
3. A record shall be kept of all youth signed-up to speak to the attorneys from the Department of Public Advocacy.
4. The Superintendent of each youth development and treatment center shall designate a staff member responsible to ensure that the above procedures are implemented and conducted on a continuous basis. The assigned counselor shall monitor procedures and attempt to ensure that the youth, and parent or guardian, understand the right to counsel.

**C. Accessing Other Attorneys**

1. Youth in DJJ facilities, group homes and day treatment centers have a right to consult with an attorney of their choice at a time reasonably convenient for all parties concerned, including management of the facility. Program staff shall assist youth in making confidential contact with attorneys and their authorized representatives. Such contact includes, but is not limited to telephone communication, uncensored correspondence, and visits. The assigned counselor shall attempt to ensure that the youth, and parent or guardian, understand the right to counsel.
2. Blanket interviews by attorneys shall not be granted.

**D. Interviews by Law Enforcement Officials**

1. The Regional Director or designee shall notify the General Counsel if a committed youth placed in a residential facility or group home is to be interviewed by a law enforcement officer in an official investigation.
2. Youth shall not be subject to interviews against their desires and shall be informed of their right to refuse and have an attorney of their choice present during questioning.
3. There may be exceptional cases involving children who are emotionally disturbed, mentally retarded, or who, for some other reason, may not be able to give a coherent, meaningful statement. For this reason, a staff member familiar with Department policy and the youth's specific needs

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shall be present during such interviews with law enforcement officials. Staff may tape the conversation and the tape should be kept in a locked location until the case has been resolved. When the youth does not wish to talk to law enforcement personnel, a staff member shall advise the law enforcement official of the youth's refusal and document the refusal. This shall not be done in the presence of the youth in question.

#### **V. MONITORING MECHANISM**

This policy will be monitored by the Superintendent and the Residential Facilities Administrator or Branch Manager on a continual basis.